UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,283	01/22/2002	Yoshio Yuasa	325772027800	4794

25227 7590 09/29/2006

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER	
CASCHERA, ANTONIO A	

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,283	YUASA ET AL.	
	Examiner	Art Unit	
	Antonio A. Caschera	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsawa et al. (U.S. Patent 6,633,302 B1) in view of Senn et al. (U.S. Patent 6,338,030 B1).

In reference to claim 1, Ohsawa et al. discloses a color reproduction system for displaying desired colors in a color image display unit, obtaining an input color image signal (see column 1, lines 18-23). Ohsawa et al. discloses a method, operating on the system, that prepares image data to be reproduced through color correction by first measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104 of Figure 4). Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al. equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and

displayed on a screen, one for each primary color displayed. Also note, the office interprets the X, Y and Z measured values equivalent to the second image data of applicant's claim as the X, Y and Z data are measured by the colorimeter from the displayed image (see Figure 4). Ohsawa et al. also discloses determining from which area, of a color reproduction area, the measured X, Y and Z data are located and then calculating coefficient values according to the located area (see column 6, lines 14-20, 47-58 and #101C of Figure 3). Note, the office interprets the calculated coefficients of Ohsawa et al. equivalent to the data on a position or an area of applicant's claim as the calculated coefficients of Ohsawa et al. are derived from the location of the X, Y and Z colorimeter measured values in the color reproduction area. Although Ohsawa et al. inherently discloses sending the sample signal patch to multiple projectors for display (see column 6, lines 3-4 and #101, 102-1, 103 and 103A of Figure 4), Ohsawa et al. does not explicitly disclose transmitting or sending second image data or data regarding the position of the second image data as claimed by the applicant. Senn et al. discloses a device for measuring photometric parameters using a colorimeter and converting these signals into electrical signals to transmit them in a network environment (see column 1, lines 9-12, column 2, lines 20-22, 37-44 and Figure 1). Senn et al. specifically discloses measuring the spectral emission or transmission values of a desired object and converting these values to color data (see columns 2-3, lines 65-6). Senn et al. also discloses storing measured values in files and allowing for the exchange of these files through a network connection or the Internet (see column 3, lines 22-25, 49-52, 57-62 and column 4, lines 9-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the image measurement data transmitting techniques of Senn et al. with the color image correction measurement techniques of Ohsawa et al. in order to

improve a color image measuring device, allowing external processors access to device data through data exchanges via a network without a manufacturer-specific data exchange protocol (see column 2, lines 4-10 and 13-18 of Senn et al.).

In reference to claim 2, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 1 above. Ohsawa et al. discloses a method, operating on the system, that prepares image data to be reproduced through color correction by first measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104 of Figure 4).

In reference to claim 3, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 2 above. Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al. equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and displayed on a screen, one for each primary color displayed.

In reference to claims 4 and 6, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claims 3 and 5 respectively. Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al. equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and displayed on a screen, one for each primary color displayed. The sample signal patches are inherently further prepared by the projection devices and transmitted to the screen for display, as interpreted by the office.

In reference to claim 5, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 2 above. Ohsawa et al. further discloses displaying a sample signal value patch for each primary color onto the screen (see column 6, lines 3-5 and #103 and 103A of Figure 4). Note, the office interprets the sample patches of Ohsawa et al. equivalent to the first image data formed of color components of applicant's claim as the patches are produced by projection devices and displayed on a screen, one for each primary color displayed. The sample signal patches are inherently further prepared or formed by the projection devices, as interpreted by the office.

In reference to claims 7 and 8, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 1 above. Ohsawa et al. discloses a method, operating on the system, that prepares image data to be reproduced through color correction by first measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104 of Figure 4). Also note, the office interprets the X, Y and Z measured values equivalent to the second image data of applicant's claim as the X, Y and Z data are measured by the colorimeter from the displayed image (see Figure 4). The office interprets the sample patches to comprise of colors set beforehand as their names are, "sample signal patches" and they represent primary colors which are interpreted as set "beforehand" colors and are defined by a standard of values.

In reference to claim 10, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 8 above. Senn et al. specifically discloses measuring the spectral emission or transmission values of a desired object using a colorimeter and converting these values to color data (see column 2, lines 14-15, columns 2-3, lines 65-6 and "T" of Figure 3).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsawa et al. (U.S. Patent 6,633,302 B1), Senn et al. (U.S. Patent 6,338,030 B1) and further in view of Sato et al. (U.S. Patent 6,125,199).

In reference to claim 9, Ohsawa et al. and Senn et al. disclose all of the claim limitations as applied to claim 8 above. Although Ohsawa et al. discloses measuring X, Y and Z values of sample signal value patches using a colorimeter (see columns 5-6, lines 66-8 and #103A and 104 of Figure 4), neither Ohsawa et al. nor Senn et al. explicitly disclose the sample being a color chart however, Sato et al. does. Sato et al. discloses a color correcting method, apparatus and system that utilizes a colorimeter to measure color samples of color charts (see column 1, lines 7-10 and column 10, lines 28-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the measuring of color charts of Sato et al. with the image measurement data transmitting techniques of Senn et al. and the color image correction measurement techniques of Ohsawa et al. in order to obtain a color measurement based on set known color values produced in the color chart, for example, pure white (255, 255, 255) (R,G,B), achieving the most precise color calibration/correction. Further note, the limitation of specifically using a color chart is seen as to provide no immediate criticality to the application at hand as the scope of the invention describes transmitting image color data.

Response to Arguments

4. Applicant's arguments filed 07/27/06, in regards to the rejection of claims 1-10, have been fully considered but they are not persuasive.

In reference to claims 1-10, Applicant argues that, "...Senn fails to provide adequate motiviation for modifying Ohsawa to transmit, "...image input data, converted image data and position data," (see page 3, last line of 1st paragraph and last 5 lines of 2nd paragraph of Applicant's Remarks). Further, Applicant argues Senn would, at best, "...motivate one to transmit raw measured data..." and not the above mentioned data (see page 3, 2nd paragraph of Applicant's Remarks). The Office disagrees.

Firstly, the Office notes that Senn explicitly discloses that "spectral emission or transmission values," measured by the measuring unit are capable of being, "...further processed in the measuring device for the calculation of dereived parameters, typically color data," (see column 3, lines 1-4). Therefore, it is clearly shown that Senn's measure unit actually transmits color data and not simply "raw measured data" as indicated by the Applicant above, whereby color data is transmitted to an external processor.

Further, the Office further explains the combination of Ohsawa and Senn references. The Office has interpreted Ohsawa to disclose the first and second image data and position data of Applicant's claims (see above rejection). Also, Ohsawa inherently discloses transmitting the sample signal patch since it is displayed via projection devices on a screen (see column 6, lines 3-5 and #103, 103A of Figure 4). Senn is seen as measuring spectral information, converting the information into color information and transmitting such color information in the form of a file to an external processor (see above rejection). The Office interprets that one would have been motivated to combine the image correction measurement techniques of Ohsawa with the file transmitting techniques of Senn because creating a remotely operated image correction system would be highly desireable, which is what such a combination of performing image correction

measurements and transmitting these measurements to another processor produces especially since the file trasmitted by Senn comprises color data. Such a combination would improve upon Ohsawa in that color reproducible systems could now be implemented without having a certain device or possibly even a user operator present, at the reproducible device or external processor location. Also, in view of the teachings of Senn wherein Senn discloses transmitting data without a "manufacture specific data exchange protocol" would work in tandem with the motivation of providing a remotely operated image correction system since the system could be expanded to a cross-flatform type of system thereby allowing the "cross-talking" of platforms. Therefore, the Office maintains its current rejection based upon Ohsawa, Senn and Sato.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac

9/27/06

PATENT EXAMINER

KEE M. TUNG
SUPERVISORY PATENT EXAMINER